



City of New Bedford
ZBA VARIANCE APPLICATION

CASE # 4224

1. SUBMITTAL CHECKLIST

The following documentation must be submitted, in duplicate (1 Original and 11 Copies):

Have you included...			Planning staff review finds...	
Yes	No		Yes	No
<input type="checkbox"/>	<input type="checkbox"/>	A <u>Completed and Signed Application</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	An <u>Existing Conditions Site Plan</u> , drawn to a scale not less than 1 inch: 40 feet, identifying positioning of existing structures must be provided. Your site plan must show footprint and dimensions of rear, front and side distances between structure(s) and boundary lines.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	A <u>Proposed Site Plan</u> showing all proposed alterations or additions with side, front and rear set property lines identified.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<u>Sub-Division Plans</u> if Applicable.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	A <u>Certified Abutter's List</u> prepared by planning staff and certified by the Assessor's Office.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<u>Plot Plan</u> as provided through Department of Inspectional Services or through the Assessor's Office (in person or online through parcel lookup).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<u>Filing Fee</u> in check form made payable to the City of New Bedford.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	Copy of <u>Building Permit Rejection Packet (Containing Rejected Building Permit and all information submitted with Building Permit Application)</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<u>Owner's Verification</u> including owner's signature and parcel deed for all involved parcels.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Official Use Only:

Application submitted electronically or by mail to the City of New Bedford, Division of Planning
 Application fee received or not received on this date: _____

This is page 1 of your ZBA Application BUT YOU DO NOT NEED 11 COPIES OF IT; just the original is enough. Please remove the instruction pages when submitting your completed application packet but keep this as your first page.

If your petition is denied, after the official decision is recorded with the City Clerk, there is a twenty (20) day period you may appeal to the Massachusetts Superior Court. (*The 20 day appeal period begins from the date of the decision's filing with the City Clerk, not the date of the decision.*) The procedures for appeal are set forth in Massachusetts General Laws Chapter 40A Section 17.

WHAT IF I NEED TO REQUEST A POSTPONMENT?

All requests for postponement will be considered on the scheduled hearing date. The petitioner must appear before the Board. If that is not possible an appointed representative of the petitioner must appear with a signed letter of authorization to act on their behalf. The appointed representative must be authorized to sign an extension of time limits of approximately 30-90 days. If the Board grants the postponement, an agreed upon hearing date will be set and announced at that time, to accommodate the petitioner and the abutters. The Board will not re-advertise or re-notify abutters of the newly scheduled hearing. The Notice of Hearing will be posted at the City Clerk's Office at City Hall for informational purposes.

CAN I WITHDRAW MY APPLICATION?

You may withdraw your application without prejudice prior to the publication of the notice of a public hearing. If you withdraw prior to the publication of the notice, your filing fee is refundable.

If the public hearing notice has been published, the ZBA must approve your request to withdraw without prejudice at the scheduled hearing date. Once the notice has been published—even if it is only once—no part of the filing fee is refundable.

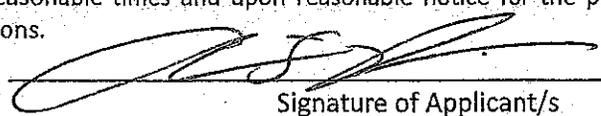
2. VARIANCE SPECIFICS

The undersigned petitions the New Bedford Zoning Board of Appeals [ZBA] to grant a VARIANCE in the manner and for the reasons set forth here under the provisions of the city's zoning ordinance to the following described premises:

APPLICATION SUMMARY (PLEASE PRINT)			
SUBJECT PROPERTY			
ASSESSOR'S MAP PLOT#	65	LOT(S)#	316
REGISTRY OF DEEDS BOOK:	6786	PAGE #	190
PROPERTY ADDRESS: 133 CHESTNUT ST			
ZONING DISTRICT: B			
OWNER INFORMATION			
NAME: MARIA S BALDES			
MAILING ADDRESS: 133 CHESTNUT ST			
APPLICANT/CONTACT PERSON INFORMATION			
NAME (IF DIFFERENT): AMANCIO S RIBEIRO			
APPLICANT'S RELATIONSHIP TO THE PROPERTY: Check one:	OWNER <input type="checkbox"/>	CONTRACT VENDEE <input type="checkbox"/>	OTHER Describe <input checked="" type="checkbox"/> <u>SON</u>
MAILING ADDRESS (IF DIFFERENT): 464 SAWYER ST NEW BEDFORD MA 02746			
TELEPHONE #	508-991-9491		
EMAIL ADDRESS:	amancioribeiro@comcast.net		

CITY CLERK'S OFFICE

By signing below, I/we acknowledge that all information presented herein is true to the best of my/our knowledge. I/we further understand that any false information intentionally provided or omitted is grounds for the revocation of the approval(s). I/we also give planning division staff and ZBA members the right to access the premises (both interior and exterior) at reasonable times and upon reasonable notice for the purpose of taking photographs and conducting other visual inspections.

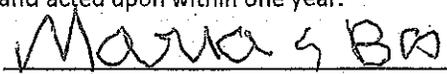


 Signature of Applicant/s

 Date March 1, 2016

If the applicant differs from the owner, this section must be completed/signed by the property owner/s:

I hereby authorize the applicant represented above and throughout this application to apply and to represent my/our interests on my/our behalf for the relief requested herein for the premises I/we own noted as "property address" above and presented throughout this application. Furthermore, by signing this application I/we acknowledge having read and understood this application and the accompanying instructions and information. If petition is granted, I/we understand the approvals are specific to the plans submitted, unless the Board states otherwise and that if granted, that the variance must be recorded and acted upon within one year.



 Signature of Owner/s

 Date March 1, 2016

APPLICATION SPECIFICS

DIMENSIONS OF LOT/S:	FRONTAGE <i>50</i>	DEPTH <i>70</i>	AREA in SQ FT <i>3500</i>		
EXISTING BUILDING/S	# OF BLDGS <i>1</i>	EXISTING SIZE	TOTAL SQ FT BY FLOOR <i>1,121.3</i>	NUMBER OF FLOORS <i>3</i>	TOTAL SQ. FT ENTIRE STRUCTURE <i>3,364</i>
	# OF DWELLING UNITS <i>2.5</i>		# OF BEDROOMS <i>6</i>		
PROPOSED BUILDING/S	# OF BLDGS	PROPOSED SIZE	TOTAL SQ FT BY FLOOR	NUMBER OF FLOORS	TOTAL SQ. FT ENTIRE STRUCTURE
	# OF DWELLING UNITS		# OF BEDROOMS		EXTENT OF PROPOSED ALTERATIONS
EXISTING USE OF PREMISES:	<i>2 Family Residence</i>				
PROPOSED USE OF PREMISES:					
EXPLAIN WHAT MODIFICATIONS YOU ARE PROPOSING THAT NECESSITATE THE REQUESTED VARIANCE:	<i>Planning To Fix The second and third Floor To make it a cottage sett up with 3 Bedroom one open Family room on the third floor (on the plans given.)</i>				

If there's a commercial use existing and/or proposed, please complete the following:

	EXISTING		PROPOSED	
NUMBER OF CUSTOMERS PER DAY				
NUMBER OF EMPLOYEES				
HOURS OF OPERATION	<i>N/A</i>			
DAYS OF OPERATION				
HOURS OF DELIVERIES				
FREQUENCY OF DELIVERIES (Check frequency)	<input type="checkbox"/> DAILY	<input type="checkbox"/> WEEKLY	<input type="checkbox"/> DAILY	<input type="checkbox"/> WEEKLY
	<input type="checkbox"/> MONTHLY	<input type="checkbox"/> OTHER	<input type="checkbox"/> MONTHLY	<input type="checkbox"/> OTHER

If you are also requesting site plan review and special permit/s from the planning board, please specify here:

Complete each item that is relevant to your variance request:

	Existing	Allowed/ Required	Proposed
Lot Area (sq ft)	3500 +/-		
Lot Width (ft)	70 +/-		
Number of Dwelling Units	2.5		
Total Gross Floor Area (sq ft)			
Residential Gross Floor Area (sq ft)			
Non-Residential Gross Floor Area (sq ft)	N/A		
Building Height (ft) # of stories	2.5	2.5	3
Front Setback (ft)	8'		
Side Setback (ft)	10'		
Side Setback (ft)	12		
Rear Setback (ft)	12		
Lot Coverage by Buildings (% of Lot Area)			
Permeable Open Space (% of Lot Area)			
Green Space (% of Lot Area)			
Off-Street Parking Spaces	2		
Loading Bays	N/A		
Number of Ground Signs	N/A		
Height of Ground Sign	N/A		
Proximity of Ground Sign to Property Line	N/A		
Area of Wall Sign (sq ft)	N/A		
Number of Wall Signs	N/A		

3. PARCEL LEGAL DOCUMENTATION

Title Reference to Property Book 6786 pag 190
 (Attach copy of Deed, Certificate of Title & most recent Recorded Plans showing affected lot or lots)

Is the applicant also the owner? Yes No

If no, please attach the following three items to your application and indicate they are attached:

A notarized authorization letter on letterhead from the owner to tenant/buyer for application of this permit.

If the Applicant is Not the Owner, Provide:

A copy of the Purchase & Sale Agreement or lease, where applicable.

A copy of the deed or deeds of abutting parcels if said parcels have been held in common ownership with the subject property at any time since January 1, 1976.

4. REQUIRED FINDINGS FOR GRANTING A VARIANCE

Massachusetts General Law Chapter 40A Section 10 requires the "permit granting authority" (which, in this instance is the Zoning Board of Appeals) to make ALL the following findings before a variance can be granted:

A	B	C	D
That there are circumstances relating to the soil conditions, shape or topography which especially affect the land or structure in question, but which do not affect generally the zoning district in which the land or structure is located.	That due to those circumstances especially affecting the land or structure, literal enforcement of the provisions of the zoning Ordinance or By Law would involve substantial hardship, financial or otherwise, to the petitioner or appellant.	That desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of the Zoning Ordinance or Bylaw.	That desirable relief may be granted without substantial detriment to the public good.

The full text of M.G.L. Chapter 40A, Section 10 can be viewed at: <http://www.mass.gov/legis/laws/mgl/>

Because the ZBA must be able to articulate each of these four findings in order to grant a variance, you must make your case as to WHY your application meets each of these four points. **This is an extremely important question and it is recommended that you answer this VERY carefully.** You may use an additional sheet if needed.

- A** Describe any circumstances relating to soil conditions, shape or topography which especially affect the land or structure in question but that doesn't generally affect the zoning district in which your premises is located:
There will be no change to the exterior of the building and the house will continue to be used used as a 2 family house with 2 driveway. Changes done only to the interior
- B** Describe how circumstances unique to your land or structure would mean a substantial hardship to you if the city were to literally enforce the zoning ordinance:
The owner would lose the benefit / cost of the prior construction.
- C** Describe how granting you relief would not take away from the purpose of the city's zoning ordinance:
The house will only be affected on the inside on the second and third floors. I will remain a 2 family house
- D** Describe why nobody else would be hurt if the city granted your requested zoning relief:
It would have no bearing on any neighbors since there would be no expansion or alteration of the structure

97	39.05	4.105	4504	6625	45.23
6	87	88	89		
21	1523	1529	1567	4266	
41	4146	4163			
06	45	45	458		

97	1822	315	316	317	314	314	317
97	4961	1285	1285	1285	3500	3500	3500
97	1285	3500	3500	3500	70	70	70
97	1285	3500	3500	3500	70	70	70
97	1285	3500	3500	3500	70	70	70

CAMPBELL

89.37	154	2761	7517	156	5802	15797
399	398	387	387	155	3047	8351
1937	5274	4201	4286	3987	3047	8351
5274	4201	4286	3987	3047	8351	

CHESTNUT

99.5	162	2151	5856	163	335	335
164	1828	4977	169	170	296	296
169	170	296	296	296	296	296
169	170	296	296	296	296	296
169	170	296	296	296	296	296

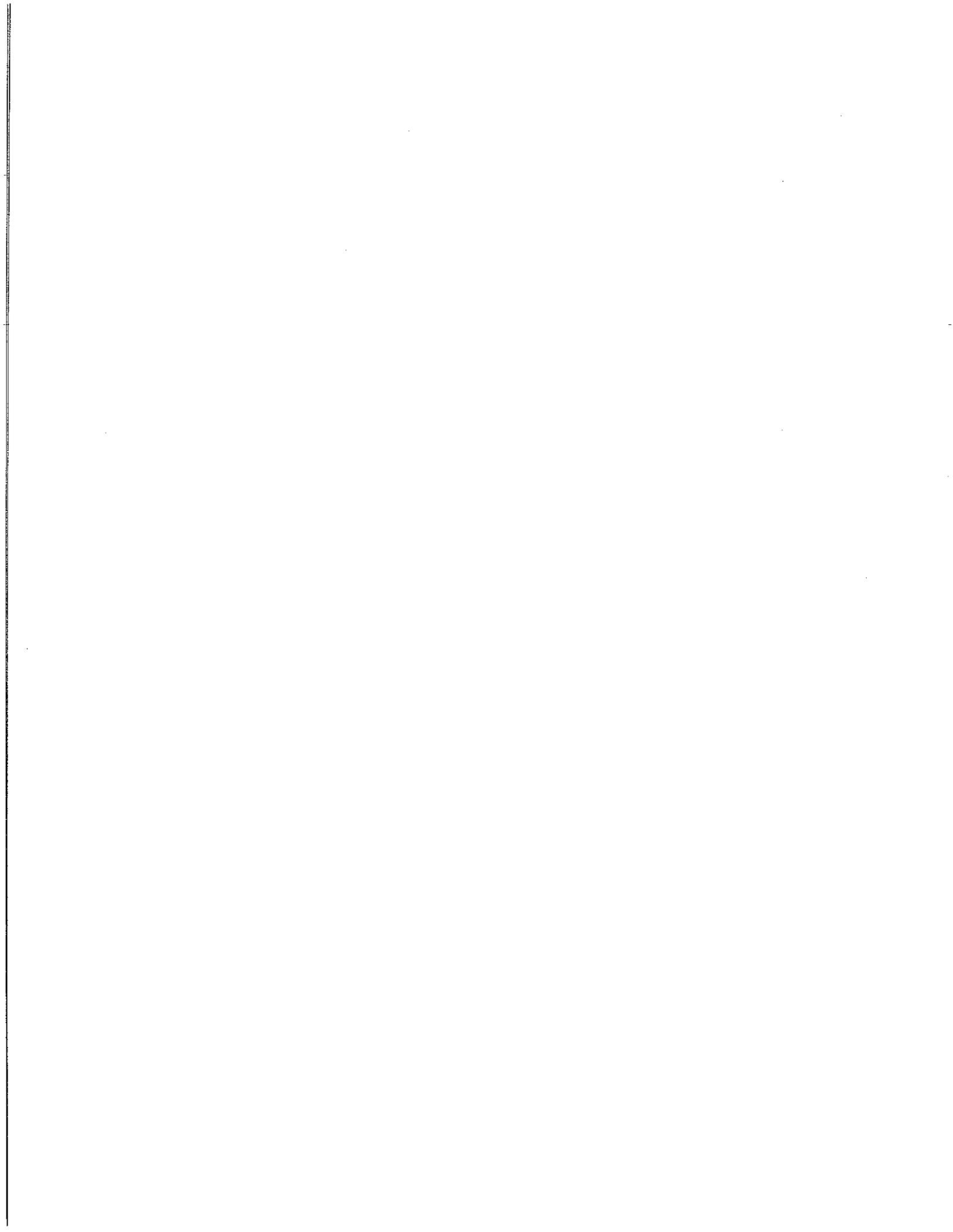
97	1510	2801	7626	103	1565	4261
97	4111	7626		104	1891	5148
97	4111	7626		104	1891	5148
97	4111	7626		104	1891	5148
97	4111	7626		104	1891	5148

COTTON

144	145	1358	3697	146	1405	3825
144	145	1358	3697	146	1405	3825
144	145	1358	3697	146	1405	3825
144	145	1358	3697	146	1405	3825
144	145	1358	3697	146	1405	3825

SMITH

357	379	250	368	357	379	250
357	379	250	368	357	379	250
357	379	250	368	357	379	250
357	379	250	368	357	379	250
357	379	250	368	357	379	250



MASSACHUSETTS QUITCLAIM DEED

We, Maria S. Barros, Amancio Ribeiro and Jose Ribeiro, for consideration paid, and in full consideration of One (\$1.00) Dollar grant to Maria S. Barros, of 133 Chestnut Street, New Bedford, Massachusetts

with quitclaim covenants,

the land in said New Bedford, bounded and described as follows:

BEGINNING at the southeasterly corner thereof at a point in the west line of Chestnut Street 50 feet distant therein northerly from its intersection with the north line of Campbell Street and at the northeasterly corner of land now or formerly of Edward T. Brightman; thence westerly in line of last named land 70 feet; thence Northerly 50 feet to land now or formerly of Patrick J. and Ella F. Finnerty; thence Easterly in line of last named land 70 feet to said west line of Chestnut Street; and thence Southerly in said west line of Chestnut Street 50 feet to the point of beginning.

Containing 12.85 square rods, more or less.

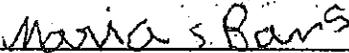
For title see deed dated March 28, 2001 and recorded in the Bristol County (S.D.) Registry of Deeds Book 4939 Page 244.

Subject to all encumbrances of record.

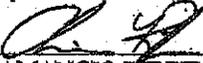
NO TITLE EXAMINATION

NO STAMPS REQUIERD

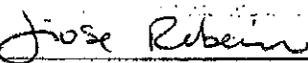
WITNESS our hands and seals this 5th day of February, 2004.



MARIA S. BARROS



AMANCIO RIBEIRO



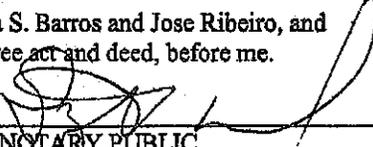
JOSE RIBEIRO

THE COMMONWEALTH OF MASSACHUSETTS

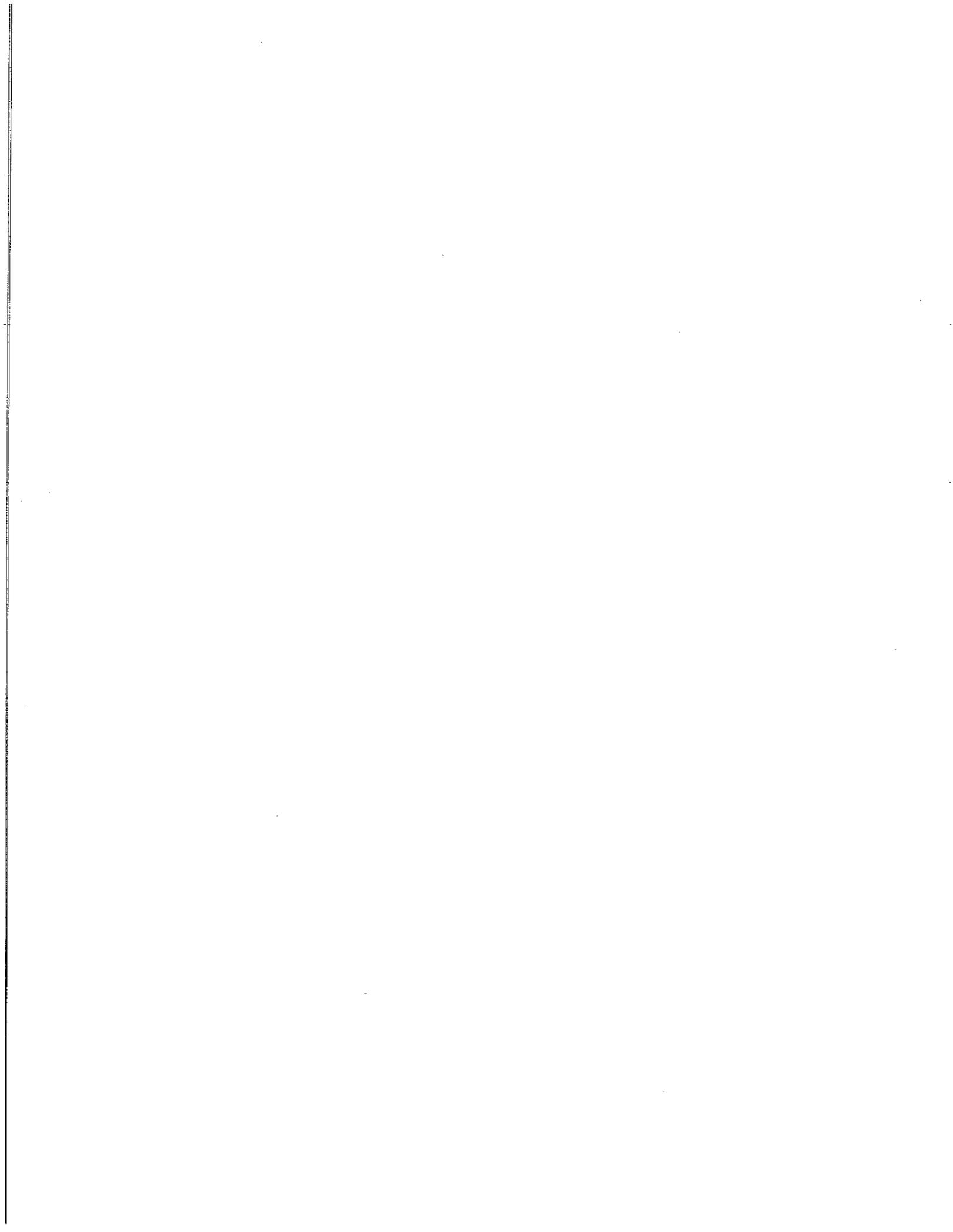
BRISTOL, SS.

February 5, 2004

Then personally appeared the above named Maria S. Barros and Jose Ribeiro, and acknowledged the foregoing instrument to be their free act and deed, before me.



NOTARY PUBLIC
STEPHEN J. AMARAL
My Comm. Expires: 4/29/2005

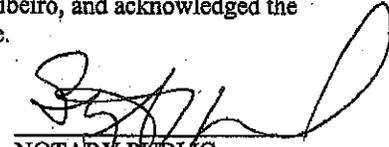


COMMONWEALTH OF MASSACHUSETTS

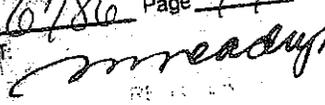
BRISTOL, SS.

February 6, 2004

Then personally appeared the above named Amancio Ribeiro, and acknowledged the foregoing instrument to be his free act and deed, before me.



NOTARY PUBLIC
My Comm. Expires: 4/29/05
STEPHEN J. AMARAL

A true copy of instrument as recorded in
Bristol County (S.D.) Registry of Deeds
in Book 6786 Page 190
ATTEST: 

LAW OFFICE OF
JOSEPH P. HARRINGTON,
P.C.
190 WILLIAM STREET
NEW BEDFORD, MASS.
02740-6095
(508) 996-6765

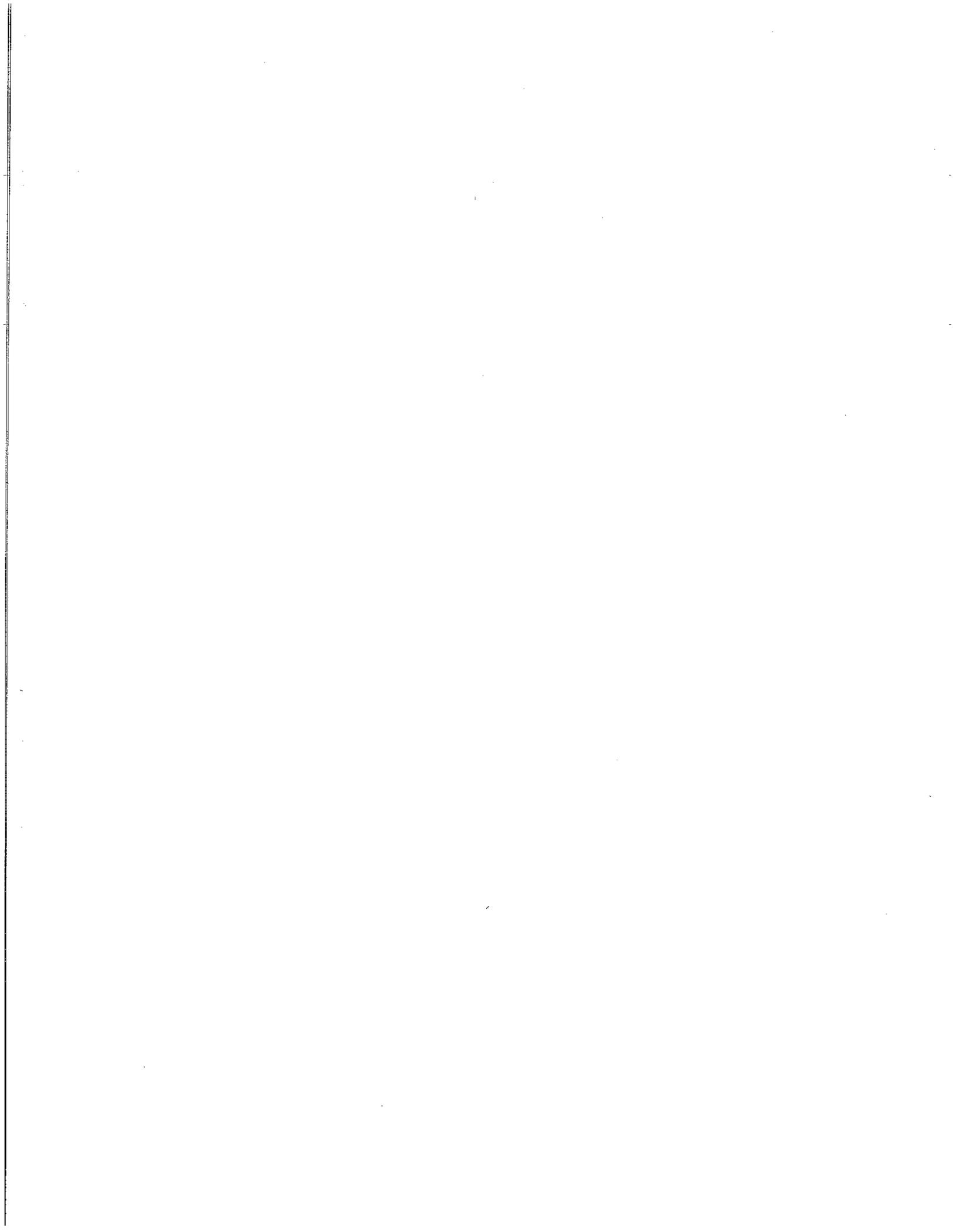


3/1/16

I Maria Barros giving
permission to my son
Amancio Ribeiro to speak
on my behalf in front
of the community. He
the one that want to do
the work on the apart-
ment for he can move in.

Maria Barros
Maria Barros







City of New Bedford
REQUEST for a CERTIFIED ABUTTERS LIST

This information is needed so that an official abutters list as required by MA General Law may be created and used in notifying abutters. You, as applicant, are responsible for picking up and paying for the certified abutters list from the assessor's office (city hall, room #109).

PLANNING
FEB 16 2016
DEPARTMENT

SUBJECT PROPERTY			
MAP #	65	LOT(S)#	316
ADDRESS: 133 CHESTNUT ST			
OWNER INFORMATION			
NAME: MARIA S BARROS			
MAILING ADDRESS: 133 CHESTNUT ST			
APPLICANT/CONTACT PERSON INFORMATION			
NAME (IF DIFFERENT): AMANCIO S RIBEIRO			
MAILING ADDRESS (IF DIFFERENT): 133 CHESTNUT ST			
TELEPHONE #	508-971-9491		
EMAIL ADDRESS:	AMANCIO.RIBEIRO@COMCAST.NET		
REASON FOR THIS REQUEST: Check appropriate			
<input checked="" type="checkbox"/>	ZONING BOARD OF APPEALS APPLICATION		
<input type="checkbox"/>	PLANNING BOARD APPLICATION		
<input type="checkbox"/>	CONSERVATION COMMISSION APPLICATION		
<input type="checkbox"/>	LICENSING BOARD APPLICATION		
<input type="checkbox"/>	OTHER (Please explain):		

CITY CLERK'S OFFICE
 NEW BEDFORD, MA

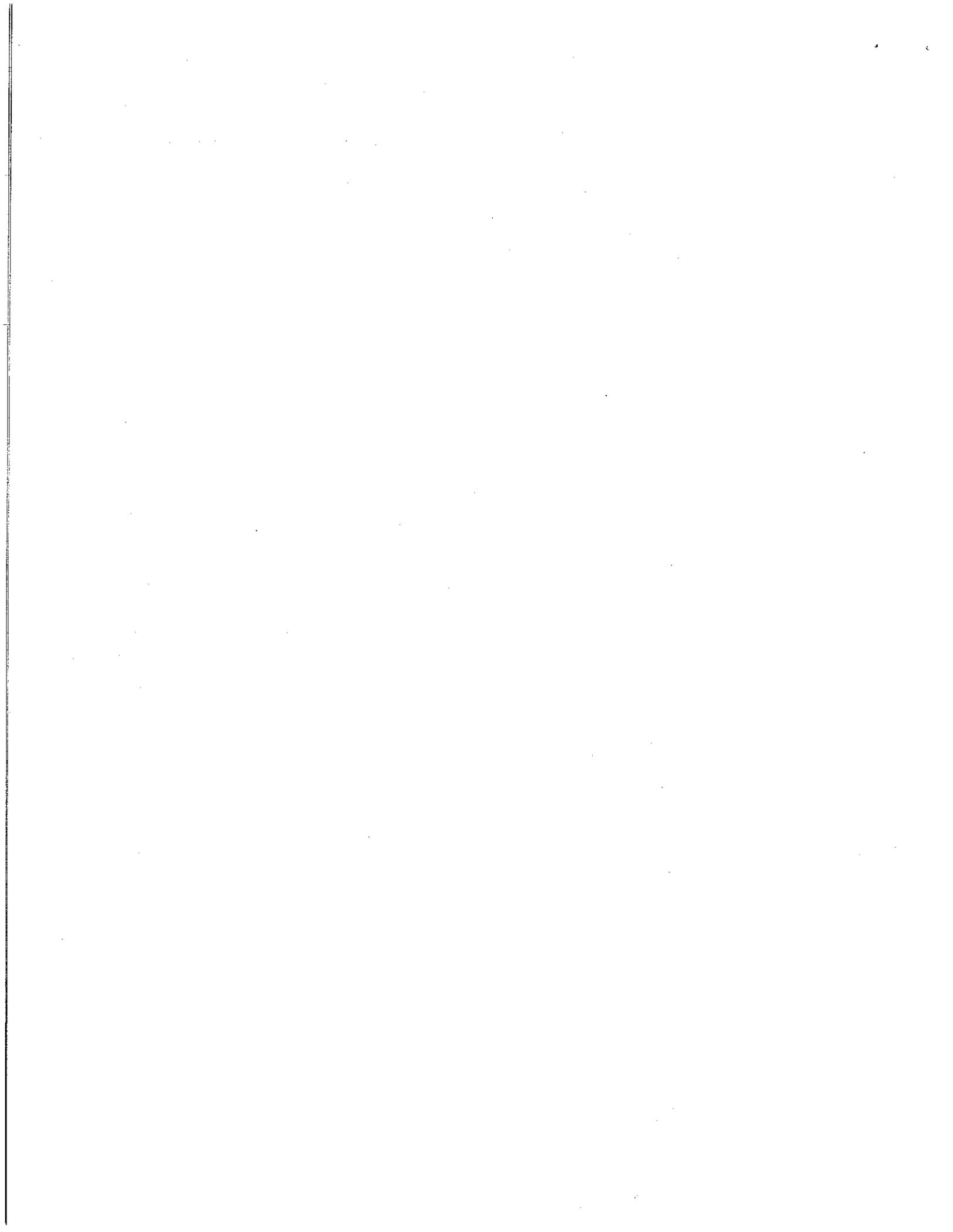
Once obtained, the Certified List of Abutters must be attached to this Certification Letter.

This sheet is NOT part of your ZBA application but you will need to submit this form to the Planning Division Room 303 in City Hall, 133 William Street. You, as applicant, are responsible for picking up and paying for the certified abutters list from the assessor's office (city hall, room #109).

Official Use Only:

As Administrative Assistant to the City of New Bedford's Board of Assessors, I do hereby certify that the names and addresses as identified on the attached "abutters list" are duly recorded and appear on the most recent tax.

Carlos Amado _____ *Carlos Amado* _____ 2/17/2016
 Printed Name Signature Date

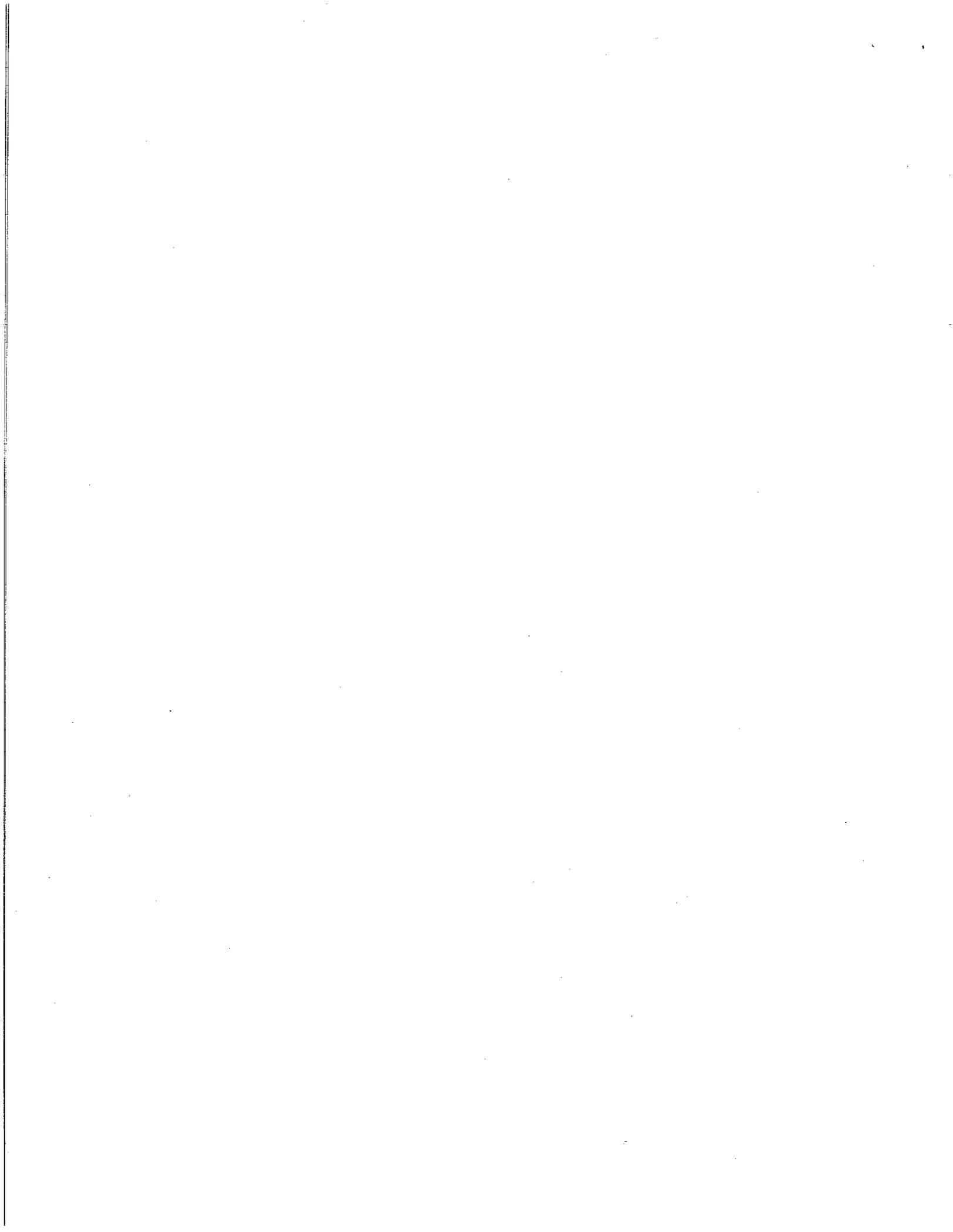


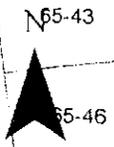
February 16, 2016
Dear Applicant,

Please find below the List of Abutters within 300 feet of the property known as 133 Chestnut Street (65-316). The current ownership listed herein must be checked and verified by the City of New Bedford Assessor's Office. Following said verification, the list shall be considered a Certified List of Abutters.

Please note that multiple listed properties with identical owner name and mailing address shall be considered duplicates, and shall require only 1 mailing. Additionally, City of New Bedford-Owned properties shall not require mailed notice.

Parcel	Location	Owner and Mailing Address
65-314	109 CAMPBELL ST	CAMPBELL LINDA, 955 OSGOOD STREET NEW BEDFORD, MA 02745
65-92	450 COTTAGE ST	FERMINO BETTY ANN, 450 COTTAGE STREET NEW BEDFORD, MA 02740
65-99	136 CHESTNUT ST	DUARTE HILDA F, PIRES SCOTT 136 CHESTNUT STREET NEW BEDFORD, MA 02740
65-316	133 CHESTNUT ST	BARROS MARIA S, 133 CHESTNUT STREET NEW BEDFORD, MA 02740
65-315	135 CHESTNUT ST	ROSARIO JORGE, 135 CHESTNUT ST NEW BEDFORD, MA 02740
65-339	137 CHESTNUT ST	BARLOW GEMIMA A N "TRUSTEE", NEVES IRREVOCABLE TRUST 137 CHESTNUT STREET NEW BEDFORD, MA 02740
65-100	134 CHESTNUT ST	ROGERS MICHAEL, 134 CHESTNUT STREET NEW BEDFORD, MA 02740
65-91	98 WILLIS ST	ANDRADE DANIEL D, ANDRADE FATIMA M 98 WILLIS ST NEW BEDFORD, MA 02740
65-95	96 WILLIS ST	GONCALVES JULIO P "TRUSTEE", GONCALVES LIDIA N "TRUSTEE" 96 WILLIS ST NEW BEDFORD, MA 02740
65-317	131 CHESTNUT ST	CHESTNUT NB LLC, 62 EMERALD DRIVE NORTH DARTMOUTH, MA 02747
65-94	111 CAMPBELL ST	BLAHA MARJORIE G. JR., 1090 KINGS HIGHWAY NEW BEDFORD, MA 02745
65-101	130 CHESTNUT ST	OLIVEIRA RONALD "TRUSTEE", ROSO INVESTMENT REALTY TRUST 5 ARCHER'S WAY ACUSHNET, MA 02743





COTTAGE ST

CHESTNUT ST

SUMMER ST

SMITH ST

Legend

 Abutters

